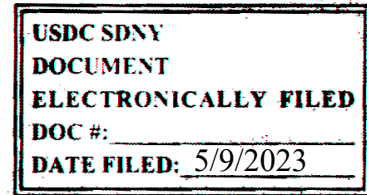


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
GARY KEMP,

Petitioner,

20-CV-09121 (RA)(SN)

-against-

ORDER

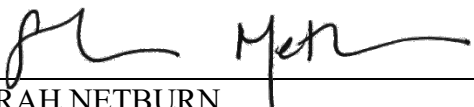
JOSEPH NOETH,

Respondent.

-----X
SARAH NETBURN, United States Magistrate Judge:

The Court has stayed Petitioner's habeas petition to allow him to exhaust his state court remedies. On April 4, 2023, Petitioner sent the Court a copy of the state court's order denying his motion to set aside his conviction on the ground that he received ineffective assistance of trial counsel. To exhaust fully his state court remedies – and then seek federal habeas relief – Petitioner must still seek leave to appeal this decision in the Appellate Division within 30 days of the date of receiving the state court order. CPL § 460.10(4)(a). By no later than May 25, 2023, Petitioner is ordered to inform the Court if he has exhausted his claim by filing a motion for leave to appeal.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: May 9, 2023
New York, New York